

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 12TH OCTOBER 2006 / 20TH ASWINA 1928

Bail Appl..No. 5940 of 2006()

CRIME NO.380/2006 OF KOTTIYAM POLICE STATION.

PETITIONER/FOURTH ACCUSED:

SHIBI, AGED 32,
SON OF RAVEENDRAN, SEEMA MANDIRAM,
THAZHUTHALA CHERRY, ADICHANALLOOR VILLAGE,KOLLAM.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS:

THE STATE OF KERALA
REPRESENTED THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM THROUGH THE
SUB INSPECTOR OF POLICE, KOTTIYAM POLICE STATION.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12/10/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M. JAMES, J.

Bail Application No. 5940 of 2006

Dated this the 12th October, 2006.

ORDER

Petitioner, the 4th accused, is before this Court under Section 438 Cr.P.C., as he is apprehending arrest in Crime No.380/2006 of Kottiyam Police Station, for the offence punishable under Sections 143, 147, 148, 447, 325, 326 and 308 IPC, read with Section 149 IPC.

2. I heard the arguments advanced by both sides. The learned counsel appearing for the petitioner brought to my notice, the injuries sustained by him, on 21.5.2006. It is also submitted by the counsel that he was assaulted by the de facto complainant, and crime has been registered on the earlier incident.

3. The prosecution, on the other hand, submitted that this incident has occurred as a counter blast to the earlier incident. There are seven fractures suffered by the de facto complainant, submits the prosecution.

4. Without entering into any discussion on the merit of the matter, I dispose of the application, directing the petitioner to surrender before the Investigating Officer of Kottiyam Police Station, who is investigating the Crime No.380/2006 of that police station, on 19.10.2006, between 9.30 and 10 a.m.

5. The investigating officer shall interrogate the petitioner, and produce him before the Judicial First Class Magistrate Court-II, Kollam, as per the law.

6. The learned Magistrate shall pass appropriate orders, on production of the accused, after hearing both sides, as per the law, on the date of surrender itself.

**J.M. JAMES,
JUDGE**

nj.